



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 3, 1991

Ms. Jo Wiginton
Assistant City Attorney
P. O. Box 1562
Houston, Texas 77251-1562

OR91-614

Dear Ms. Wiginton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13929.

The City of Houston Police Department has received a request for information relating to police officer assignment reports. Specifically, the requestor seeks:

All Houston Police Department monthly officer assignment reports made by each and every police substation to the Houston Police Department administrative office . . . for the months of June and July 1991. . . . [Or] all daily officer assignment reports from each and every Houston Police Department substation and service center.

You have already released totals of monthly officer assignments by division but claim that the more detailed reports are excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release of it would unduly interfere with law enforcement. Open Records Decision No. 287 (1981). Whether disclosure of particular records will unduly interfere with law enforcement or crime prevention must be determined on a case-by-case basis. Open Records Decision No. 409 (1984). Section 3(a)(8) does not except information in the custody of a police department that absent special law enforcement needs or circumstances would ordinarily be available if in the custody of a different governmental unit.

We have examined the documents submitted to us for review and have considered your arguments. You state:

Release of the complete detailed report would reveal the Police Department's priorities and strengths in dealing with crime, and would also provide information as to where or to which categories of law enforcement the greatest number of officers would be assigned. . . . This information could be used to determine that bomb threats, for example, were a more promising field of criminal endeavor than burglary

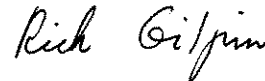
In support of your arguments, you refer us to Open Records Decision Nos. 456 (1987) and 413 (1984). Open Records Decision No. 456 involved a request for information relating to the identity of businesses that employ off-duty police officers. Release of the information was denied because it indicated which businesses at which time were not protected. The law enforcement implications of this situation are clear. Similarly, Open Records Decision No. 413 involved a request for information relating to execution security measures at a specific prison at a specific time. Disclosure was denied in order to maintain necessary order during the scheduled execution. In each of these cases, the requested information

was excepted from required public disclosure because it related to specific locations or specific times. If an individual with criminal intent knows precisely where and when the opportunities for crime are at their most advantageous, then the efforts of law enforcement are clearly undermined.

The information which you seek to except from required public disclosure, however, is of a much more general nature than information addressed in previous decisions. Release of the information would not reveal whether any particular location, such as a business, bus terminal, or parking garage, is to be the focus of law enforcement at any given time. We are not convinced that release of the requested information would unduly interfere with law enforcement. Accordingly, the requested information may not be withheld from required public disclosure by section 3(a)(8) and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-614.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/GK/lcd

Ref.: ID#s 13929, 13995, 14047, 14023

cc: Mr. Darrell Azar
740 KTRH
P.O. Box 1520
Houston, Texas 77251